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*Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

BOY RACER, INC.,

Plaintiff,

v.

DOES 1-73,

Defendants.

No. C-11-02534 RS

**NOTICE OF VOLUNTARY DISMISSAL  
 OF ACTION WITHOUT PREJUDICE  
 AS TO TWO ANONYMOUS DOE  
 DEFENDANTS; ~~PROPOSED~~ ORDER**

**NOTICE OF VOLUNTARY DISMISSAL OF ACTION WITHOUT PREJUDICE AS TO  
 TWO ANONYMOUS DOE DEFENDANTS**

**NOTICE IS HEREBY GIVEN** that, pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff voluntarily dismisses all claims brought in this action against the two (2) anonymous Doe Defendants associated with the two motions pending in this case: Motion to Quash or Modify Subpoena (ECF No. 10) and Motion to Quash or Modify Subpoena (ECF No. 12). To preserve privacy for these individuals, Plaintiff does not address these Doe Defendants by name, or by their Internet Protocol (“IP”) addresses, and merely identifies them by the motions they filed in this case. This is sufficient to notify the Internet Service Providers (“ISPs”) who have been properly notified by each subscriber of their pending motions.

1 In accordance with Federal Rule of Civil Procedure 41(a)(1), the respective Doe Defendants  
 2 have neither filed answers to Plaintiff's Complaint, nor a motion for summary judgment. Dismissal  
 3 under Federal Rule of Civil Procedure 41(a)(1) is therefore appropriate. Inclusive of this dismissal,  
 4 Doe Defendants have hereby been dismissed from this action without prejudice, and their Motions to  
 5 Quash or Modify Subpoena (ECF Nos. 10, 12) should hereby be denied as moot as their associated  
 6 IP addresses are no longer part of this suit.  
 7

8 Plaintiff still maintains claims against the other anonymous Doe Defendants remaining in this  
 9 action, and reserves the right to name such individuals and/or serve them when in possession of their  
 10 identifying information in this case.

11 Respectfully Submitted,  
 12

13 STEELE HANSMEIER PLLC,  
 14

15 **DATED: September 23, 2011**

16 By: /s/ Brett L. Gibbs, Esq.

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**PROPOSED ORDER**

In light of the above, Doe Defendants associated with Motions to Quash or Modify Subpoena (ECF Nos. 10, 12) are hereby DISMISSED from this case without prejudice, and, therefore are no longer part of this suit. Additionally, Motions to Quash or Modify Subpoena (ECF Nos. 10, 12) are DENIED as the issues raised therein are now MOOT.

Further, it is ORDERED that Plaintiff serve copies of this Order onto the relevant ISPs.

**IT IS SO ORDERED.**

Dated: 9/23/11



Richard Seeborg  
United States District Court Judge